

Appendix C

LEARNING THE LESSONS

ASK YOURSELF:

Could it happen here?

www.ipcc.gov.uk/learning-the-lessons

Learning the Lessons bulletins summarise investigations conducted by the Independent Police Complaints Commission (IPCC) or police forces where learning opportunities are identified. Police forces facing similar situations to those described can use the experience of other forces to improve their policies and practices. The bulletin challenges forces to ask "Could it happen here?"

Bulletin 26

March 2016

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Contacting us

Please email learning@ipcc.gsi.gov.uk with any queries or to join our mailing list.

Case summaries

1 Young girl missing from home



A vulnerable 14 year old girl was reported missing by her school. She had recently moved into the area, was being looked after by the local authority, and had a history of being sexually exploited by older men.

The girl was found later the same day. Although safe, she said that she had left school intending to jump under a train. Ten days later, the girl was admitted to hospital after trying to take her own life.

The girl's foster carer contacted the police three days later to report that the girl was in contact with an older man.

An intelligence log was completed. This recorded that the girl was at risk of child sexual exploitation. This was later added to as the girl had sexual encounters with two separate boys. A flag was placed on systems saying that she was at high-risk of sexual exploitation.

The girl was again reported missing. She was found later the same evening and returned home. However, she ran off. She was initially assessed as being at high-risk, but this was overturned by an acting sergeant who re-assessed the risk as medium.

The missing persons report was reviewed the same evening and re-assessed as high-risk. Searches continued throughout the night but the girl was not found. She was found at around 11pm the following evening having slept rough in a churchyard. She had also stayed with a man with whom she had got drunk and smoked cannabis.

She was reported missing again three days later in the early evening.

An intelligence check was made which showed that the girl was at risk from sexual exploitation. It also flagged multiple intelligence logs about sexual exploitation, reports that she had previously gone missing, and that she was known to the child abuse investigation unit.

The missing from home report was assessed as medium-risk but with the condition that if she was not found in the early evening, this could be raised to high-risk.

The following day the investigation was reviewed and she remained a medium-risk missing person.

The next day a pre-planned strategy meeting took place. There were increasing concerns about the girl's welfare.

Mid-morning, a detective inspector was informed of the need for a crime manager's review. This takes place 48 hours after a person has gone missing and is classed as medium-risk. This was not undertaken until the following day shortly after 3pm when the risk was reassessed as high.

At just after 9pm, reports were received of smoke coming from an address. Officers attended and the girl was found at the scene together with two men. She later disclosed that she had been raped by one of the men.

Key questions for policy makers/managers:

- What guidance do you give to officers on when and how to carry out risk assessments when dealing with missing person incidents?
- How does your force make sure that missing persons' incidents are reviewed as required?
- How does your force make sure that markers on intelligence systems are kept updated and reflect concerns, risks, and intelligence?
- HMIC had previously made recommendations to the force that all staff should receive training to help them identify high-risk missing persons. How does your force make sure that recommendations made by HMIC and other bodies are taken forward appropriately?

Action taken by this police force:


- The force has updated its missing persons' policy to include additional guidance on conducting risk assessments and clarifying officers' roles in an investigation.
- The force has introduced specific training on protecting vulnerable people.

Outcomes for the officers/staff involved:

- The acting sergeant who assessed the girl as being a medium-risk was found to have breached the standards of professional

behaviour and his duties and responsibilities about the missing person enquiry. He admitted the breach and therefore the case against him was formally found proven. No further action was taken against him.

- The detective inspector who did not complete the review of the case within the 48 hour period, was found to have breached his duties and responsibilities and received management advice.
- The temporary inspector who reviewed the missing person's report was found to have breached his duties and responsibilities and received management advice.

 Click [here](#) for a link to the full learning report

2 Response to child grooming concerns



Police were called by a woman who was concerned that her son was being groomed online. The woman told the call centre operator that she was worried that her son was spending an increasing amount of time on an online gaming site, communicating with an older man. She believed that the older man was turning her son away from his family, interests, and religion.

The call centre operator checked the force intelligence system (a local database) for any references to the older man. He was not known to the force. The operator was only authorised to carry out Police National Computer (PNC) checks on vehicles, so was unable to search the PNC for any references to the older man. She did not request that one of her colleagues carry out a PNC check. The call handler assumed that the word 'grooming' was about incidents of sexual grooming. She felt there was nothing to indicate that this was happening in this case.

Shortly after, another staff member in the call centre closed the log stating there was 'nothing to suggest this is grooming'.

The woman's son was murdered by the older man two months after she called the police. Later checks revealed that this man had a PNC record for the alleged rape of a minor a few years earlier in a neighbouring police force area.

Key questions for policy makers/managers:

- When a parent reports concerns about a child being groomed, does your force routinely signpost them to organisations that can provide advice and support?
- Does your force provide all call centre operators with authorisation to carry out vehicle and person checks on the PNC? If not, is there a clear process for when and how additional checks should be requested?
- What guidance and training does your force provide call handlers and other staff with to help them identify and respond to grooming?
- When reports of child grooming are received, does your force advise call handlers to refer these to child abuse investigation teams for further investigation?
- How does your force make sure that any calls indicating that a child may be at risk of harm are not closed before they are investigated and appropriate action taken to safeguard a child's welfare?
- Does your force have arrangements with neighbouring forces to allow officers to search for intelligence on possible offenders who may be active locally?

Key questions for police officers/staff:


- Do you know the circumstances in which a PNC check is necessary?
- Are you confident that you would be able to recognise the signs of grooming? Do you know how best to respond to these?

Action taken by this police force:

- The force accepted the recommendations made to it following this investigation. It has arranged training days for all contact centre staff.
- All new contact centre staff are being given full access to PNC checks. This is being rolled out to existing staff.
- The force is developing a series of topic guides for its contact centre staff. These include information about the signs of grooming, and guidance on how to deal with child sexual exploitation (CSE).

Action taken by this police force:

- No action could be taken against either the call handler or the call operator as both resigned. Had they remained in post, both would have had a case to answer for misconduct.

 Click [here](#) for a link to the full learning report

3 Responding to an abandoned 999 call



Around midnight, an emergency call was answered by a BT 999 operator who heard a woman making 'strange noises' in the background.

The operator performed an address check and then spoke to the local police force. She advised the police call handler that noises could be heard in the background of the call. The first 30 seconds of the call were replayed to the call handler.

A unique reference number (URN) was created for the call, graded as 'urgent', and transferred to the local control room to allocate to a police response unit. Attempts were made to re-call the home phone number and a message was left.

Background checks on the address revealed no previous interactions with the police.

No units were initially available but a unit was dispatched at 12.20am. This unit was redeployed to another call graded as 'immediate response'.

As the call system had recorded that a unit had been sent, the system did not automatically escalate the URN. In this situation, the URN should have been manually escalated to the control room sergeant so they could try to find a unit to attend. This did not happen.

A number of attempts were made to contact the caller by phone throughout the night. These were unsuccessful. Various call handlers also tried to find police units to attend, but none were available at those times.

At 5.23am, a police unit was sent to the address. It arrived at 5.40am. The curtains were drawn at the property but all the lights were on and there was a dog barking inside.

Entry was forced and a woman was found dead. There was no evidence of foul play.

Key questions for policy makers/managers:

- How does your force make sure that dispatchers do not lose sight of incidents where officers have been dispatched but were unable to attend?
- What guidance does your force give to call handlers on when to escalate matters to the control room sergeant?

Action taken by this police force:

- The learning from this incident was delivered via team training days.
- All control room operators were debriefed on this incident and the process of escalation.
- A new call handling system is being developed and supervisory processes will be included.



Click [here](#) for a link to the full learning report

4 Responding to a 999 call from an unknown location



A man called 999 from a mobile telephone. He stated that he was unwell and was going to kill himself.

The man did not give an address and stopped engaging with the officer who answered the call. The line was cleared and the officer tried to call the man back several times. The calls were not answered.

Research was carried out on the number, but an exact location could not be identified as the man was calling from an unregistered pay-as-you-go mobile.

The man's phone was called again and was answered. The person who answered did not speak but noise could be heard in the background.

The call was graded as requiring a priority response. This was the practice in the call room when an emergency call had no address associated with it.

A potential address was found but the call log was not upgraded to an emergency response.

A unit was sent and arrived at the property 96 minutes after the address was identified.

When officers arrived at the property, they found the man had died. He had taken his own life.

Key questions for policy makers/managers:

- Do you have a clear policy on how calls from unknown locations should be graded?
- How does your force make sure that calls are graded and responded to appropriately?

Key questions for police officers/staff:

- Are you familiar with the policy for dealing with 999 calls from an unknown address?

Action taken by this police force:

- The force has updated its call handling policy to include explicit guidance on 999 calls from unknown addresses.
- The force has introduced a quality assurance process to monitor call grading and responses.

Outcomes for the officers/staff involved:

- There were no criminal, disciplinary or misconduct outcomes for any of the police officers or police staff involved in the handling of this incident.

 Click [here](#) for a link to the full learning report

5 Record keeping in custody



A woman appeared unwell after being arrested.

The woman was searched after being brought into custody. However, officers failed to complete the 'safety/evidence body search' checklist to show that a search had been fully completed.

The woman was booked into custody and told the custody sergeant that she was unwell. The custody sergeant placed her in a CCTV cell under constant observation and informed the custody nurse.

The officer initially responsible for observing the woman did not complete any paperwork to record any observation. When another officer took over observations, she was not shown a copy of the custody record or told why the woman was under constant observation.

While responsible for observations, the second officer also failed to record any observations, and used a mobile phone on a number of occasions, contrary to force policy.

The custody nurse visited the woman three times. On the third visit, he advised that she should be taken to hospital as she was in pain.

Two officers escorted the woman to hospital. The custody sergeant completed a Person Escort Record (PER) form and gave this to the escorting officers. No further entries were made on this record as the escorting officers were not familiar with this form.

The woman was bailed that evening at her hospital bed and remained in hospital. She was found unconscious the following morning by hospital

staff. The woman was transferred to the intensive care department but died three days later.

Key questions for policy makers/managers:

- What guidance do you give to officers on recording and responding to behaviour witnessed when carrying out constant observation? How do you make sure this is dealt with appropriately?
- What guidance are officers given when they take over responsibility for carrying out constant observation?
- What guidance have you given to officers about their responsibilities for completing the PER form?

Key questions for police officers/staff:

- Are you aware of your responsibilities when carrying out constant observation?
- Are you aware of your responsibilities about completing the PER form?

Action taken by this police force:

- 'Safety/evidence body search' check lists are now available in all holding cells for officers to complete.
- The force has introduced refresher training for staff undertaking custodial duties. They have also introduced a briefing sheet detailing officers' responsibilities when undertaking constant observation.
- Custody officers now instruct escorting officers on how to complete the PER form outside the custody environment.
- A new form has been introduced to all custody suites, forming part of the custody record. This requires custody sergeants to give officers conducting constant supervision a briefing on why it is being required, and actions that must and must not be undertaken. This is signed by all and repeated by the custody sergeant if the original person conducting constant supervision is relieved.

Outcomes for the officers/staff involved:

- There were no criminal, misconduct, or disciplinary outcomes for any of the police officers or staff involved in the handling of this incident. The force was asked to consider the performance of a number of officers in respect of this matter, all of whom received words of advice.

 Click [here](#) for a link to the full learning report



Police officers obtained a warrant under Section 8 of the Police and Criminal Evidence Act (PACE) to carry out a search of a residential address. It was believed that drugs were being kept at the property.

During the search, the occupant was strip searched. She complained about the way in which the search was conducted and the manner of the officers who conducted it.

The complaint was investigated but was not upheld. However, it was identified that officers carrying out the warrant wrongly believed they had a right under Section 8 to carry out a search of a person. Further enquiries uncovered that this was a commonly held belief throughout the force – both for officers authorising and using the warrants.

Key questions for policy makers/managers:

- What guidance do you give to officers on using warrants under Section 8 of PACE?

Action taken by this police force:

- The Professional Standards Department (PSD) issued a force-wide message clarifying that a Section 8 warrant allowed the attending officers to search the premises only. It did not allow them to search the occupants unless they were actually placed under arrest.



Click [here](#) for a link to the full learning report



Police received intelligence that two men, wanted by the police, were inside a house together with the homeowner. The intelligence suggested that there were firearms in the property hidden in the loft.

As a result of this information, armed police attended. The incident was managed by a Tactical Firearms Commander (TFC) using the National Decision Model (NDM) as guidance for his decisions and tactics.

The homeowner and one of the other men left the property when police attended and were arrested.

The men told officers that the remaining occupant was in the loft space.

The TFC tried to find trained negotiators to attend at approximately 4pm. However, no one was immediately available. A negotiator was found and arrived at approximately 6pm.

Noises could be heard coming from the loft space. Eventually, these stopped.

The loft space was extremely hot and officers became concerned about the man's welfare. As a result they lifted the loft hatch to try to reduce the temperature. While doing this they saw a man hanging within the loft space.

The officers entered the loft area. The man was pronounced dead at the scene.

There was some confusion about who should be informed about the man's death. As a result, some members of the family were not notified of the death until much later that evening.

Key questions for policy makers/managers:

- Does your force have an on-call rota for negotiators?
- How does your force make sure that next of kin are notified of a sudden death in a timely and appropriate manner?

Action taken by this police force:

- TFCs are provided with training on the siege command model.
- The force has implemented a rota for trained negotiators.
- All command logs are reviewed for compliance with force policy and authorised professional practice by a chief inspector who is a qualified TFC.

Outcomes for the officers/staff involved:

- There were no criminal, misconduct or disciplinary outcomes for any of the police officers or staff involved in the handling of this incident.



Click [here](#) for a link to the full learning report



Police applied for a search warrant to search a property occupied by a man they suspected of supplying Class A drugs.

The officer in charge of the case obtained a data subject report which suggested that the man was living at his mother's address.

No additional checks were carried out to check that the address for the warrant was correct, even though another address was listed as either a previous or forwarding address.

The search warrant was granted by the magistrates' court. Officers forced entry to the man's mother's property. However, the man was not there.

The woman later complained to police that insufficient checks had been carried out before the warrant was obtained.

The force did not uphold the woman's complaint, so she appealed to the IPCC. The IPCC upheld the woman's appeal and decided to carry out an independent investigation.

Key questions for policy makers/managers:

- Does your force provide officers with clear guidance on the checks that may be carried out before applying for a search warrant?

Action taken by this police force:

- The force has developed a prompt sheet listing typical checks that may be undertaken when applying for a search warrant.

Outcomes for the officers/staff involved:

- There were no criminal, disciplinary, or misconduct outcomes for any of the police officers or staff involved in the handling of this incident.



Click [here](#) for a link to the full learning report

9

Making sure that a receipt for seized property is provided



The complainant was driving a car towing a caravan when he collided with a cyclist.

The cyclist fell underneath the caravan and was dragged along the road. They suffered serious injury, spending a significant time in hospital recovering.

The complainant was arrested on suspicion of driving dangerously and his car, caravan,

and mobile phone were seized by police. The complainant requested a receipt for his belongings but this request was refused.

When charges were brought against the driver, these were ruled to be in excess of jurisdiction and therefore invalid. The case against him was dropped.

A complaint was made to the police force involved about a number of issues, including not giving a receipt for goods seized. These allegations were locally investigated.

The investigation report upheld none of the allegations and the complainant subsequently appealed to the IPCC.

The appeal was partially upheld by the IPCC. Despite the force having no local policy in place to issue receipts for seized goods, Section 21 of the Police and Criminal Evidence Act (PACE) is clear that a receipt should be provided for retained goods if requested.

The IPCC recommended that the force 'should draft a policy to cover the issuance of a receipt when property is seized by the police, or incorporate this into existing force policy'.

Key questions for policy makers/managers:

- Does your force have clear policies in place about issuing receipts when goods are seized?

Key questions for police officers/staff:

- Are you aware of the obligation under Section 21 of PACE to issue a receipt in respect of seized goods?

Action taken by this police force:

- The force has updated its force recovery policy to include guidance on issuing receipts when items are seized.



Click [here](#) for a link to the full learning report

10

Making clear the police's role in evictions



A man was living in accommodation that was owned by a private landlord but managed by an agent on behalf of the university that he was studying at.

The man contacted the police to report that his landlord was threatening to change the locks at his property.

An officer attended and spoke to the landlord and the man. The officer advised them that the matter was a civil one, suggesting that the man approach the citizen's advice bureau or a solicitor to seek legal advice.

The landlord contacted the police to say that the man was not paying his rent and was sub-letting the property. He advised the police that his wife (who owned the property) was in possession of a Section 8 court order giving her permission to evict the man.

The locks on the property were changed and the man was prevented from re-entering to collect his belongings.

The man called the police. The police attended and spoke with the landlord who advised them that all procedures had been followed and that the eviction was lawful. This information was given to the man and he was told again that this was a civil matter and that he should seek legal advice.

Further enquiries revealed that the man had been evicted illegally.

The man made a number of complaints against officers alleging discrimination, rudeness, and a specific complaint against the officers who attended on the day of his eviction. He stated that they had knowingly given him inaccurate advice, not dealt with the matter as a criminal act, and had caused him mental distress.

The investigating officer found no evidence of misconduct on behalf of any of the officers complained about. While officers had wrongly identified this as a civil matter, they could not have dealt with this as a criminal offence.

Harassment and illegal eviction are criminal offences under the Protection from Eviction Act 1977. The police can act to stop a breach of the peace but prosecution of the offence and reinstatement of the tenancy (if applicable) rests with the local authority. Therefore, even if the police had treated this as an unlawful eviction, their actions would have been extremely limited. Their role would have been to prevent a breach of the peace, not to reinstate the man's tenancy.

The investigating officer did, however, make a recommendation that 'consideration (be given) to a bulletin to all officers outlining that although illegal eviction and associated harassment are both criminal offences, they are enforced by the local authority, not the police'.

The man appealed to the IPCC. His appeal was upheld because the force's proposed action was insufficient and further action by the force was recommended.

Key questions for policy makers/managers:

- What guidance do you give to officers on dealing with unlawful evictions and tenant disputes, including how to identify the difference between civil and criminal matters?
- How do you make sure that officers are able to signpost people experiencing housing law difficulties to the appropriate bodies for advice and support?

Key questions for police officers/staff:

- Are you clear on your role when attending an eviction?
- Do you know where to get information about the agencies you should direct someone to if they are looking for advice on housing and tenancy matters?

Action taken by this police force:

- It was recommended that all front line officers in the local area should read the local authority's protocol about unlawful evictions and tenant disputes.
- It was also recommended that attending officers should request a copy of the court order from the landlord. If no court order is produced, the officer should tell the local housing advice centre.
- The recommendations were accepted and implemented by the force.

Outcomes for the officers/staff involved:

- There were no criminal or misconduct outcomes for any of the police officers or staff involved in the handling of this incident.



Click [here](#) for a link to the full learning report



Related reading

The Learning the Lessons pages on our website (www.ipcc.gov.uk/learning-the-lessons) contain links to a variety of research and other publications relating

to the cases featured in this bulletin, as well as previously published bulletins, and copies of the more detailed learning reports which accompany each case.